

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: **Jesse Warren Frost**  
**Taylor Mae Frost**  
Debtor(s)

Case No. **15-30115**

Chapter 13 Proceeding

☒ **AMENDED**    ☐ **MODIFIED**  
**DEBTOR(S)' CHAPTER 13 PLAN**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at [www.txwb.uscourts.gov](http://www.txwb.uscourts.gov).*

*Use of the singular word "Debtor" in this Plan includes the plural where appropriate.*

**Plan Summary**

- A. The Debtor's Plan Payment will be Variable Payments, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$45,900.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 5% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

**Plan Provisions**

**I. Vesting of Estate Property**

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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*Continuation Sheet # 1*

## II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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## III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
Aarons Sales & Lease Ownership	Computer & Dryer	Assumed	No
Jason Beach	2008 GMC Sierra	Assumed	No

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
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(None)

## IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
108 Solutions Computer	\$1,800.00	\$200.00	Pro-Rata	5.25%	\$230.92	

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*Continuation Sheet # 2*

Weisfield Jewelers/Sterling Jewelers Inc	\$1,072.00	\$200.00	Pro-Rata	5.25%	\$230.90
Jewelry purchased at Key Jewelers					

*"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on*  
**February 13, 2015** *."*

/s/ Jesse Warren Frost  
Debtor

/s/ Taylor Mae Frost  
Joint Debtor

**V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)**

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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**VI. Specific Treatment for Payment of Allowed Claims**

**1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS**

**A.** Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Columbus Bank & Trust 2008 GMC Sierra. Debtor cousin is purchasing throu	Direct pay by cousin	\$12,800.00	\$272.00

**B.** Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
TitleMax	2005 Honda Civic

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**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

Continuation Sheet # 3

**2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS**

**A. Administrative Expenses**

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Watson Law Firm, P.C.	\$3,200.00	Along With	
Western District of Texas Bankr Court	\$155.00	Along With	

**B. Priority Claims, Including Domestic Support Obligation Arrearage Claims**

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
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**C. Arrearage Claims**

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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**D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed**

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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**E. Secured Creditors**

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
108 Solutions Computer	\$1,800.00	\$200.00	Pro-Rata	5.25%	\$230.92	
Freedom Acpt Furniture	\$8,261.00	\$2,000.00	Pro-Rata	5.25%	\$9,535.99	Pay claim amount
Security Nat Auto Acce 2014 Ford Focus	\$23,012.00	\$23,512.00	Pro-Rata	5.25%	\$26,563.72	

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*Continuation Sheet # 4*

Weisfield Jewelers/Sterling Jewelers Inc	\$1,072.00	\$200.00	Pro-Rata	5.25%	\$230.90
Jewelry purchased at Key Jewelers					

**F.** General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).  
*Describe treatment for the class of general unsecured creditors.*

General Unsecured Creditors will receive approximately 5% of their allowed claims.

Creditor	Estimated Debt	Remarks
108 Solutions	\$1,600.00	Unsecured portion of the secured debt (Bifurcated)
Consumer Adjustment	\$0.00	
Credit First/CFNA	\$1,141.00	
Enhanced Recovery Corp	\$859.00	
Fed Loan Serv	\$9,500.00	
Gamedical	\$81.00	
M.a.r.s.inc	\$1,276.00	
Mabt - Genesis Retail	\$277.00	
Military Star	\$822.00	
Navy Federal Cr Union	\$5,075.00	
Navy Federal Cr Union	\$1,640.00	
Santander Consumer Usa	\$0.00	
Southwest Credit Syste	\$650.00	
The Outsource Group	\$1,709.00	
Usa Discounters Credit	\$425.00	
Weisfield Jewelers/Sterling Jewelers Inc	\$872.00	Unsecured portion of the secured debt (Bifurcated)
Wells Fargo Card Ser	\$716.00	

**Totals:**

Administrative Claims	<u>\$3,355.00</u>
Priority Claims	<u>\$0.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$31,673.00</u>
Unsecured Claims	<u>\$26,643.00</u>

**VII. Supplemental Plan Provisions**

The following are the Supplemental Plan Provisions:

**Agreed Orders**

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

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*Continuation Sheet # 5*

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**Disposable Earnings**

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

**Authorization to send monthly bills**

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

**Certain Pre-Confirmation Disbursements**

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

**Misfiled and Unfiled Creditors Paid Accordingly**

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

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**DEBTOR(S)' CHAPTER 13 PLAN**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Continuation Sheet # 6*

Respectfully submitted this date: 2/13/2015.

**/s/ W. Matt Watson**

W. Matt Watson  
1123 E. Rio Grande  
El Paso, Texas 79902  
Phone: (915) 562-4357 / Fax: (866) 201-0967  
(Attorney for Debtor)

**/s/ Jesse Warren Frost**

Jesse Warren Frost  
13285A Wendover St  
El Paso, TX 79908  
(Debtor)

**/s/ Taylor Mae Frost**

Taylor Mae Frost  
13285A Wendover St  
El Paso, TX 79908  
(Joint Debtor)

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**UNITED STATES BANKRUPTCY COURT**  
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*Debtor(s)*

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**EXHIBIT "B" - VARIABLE PLAN PAYMENTS**

**PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)**

<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>
1	\$450.00	21	\$900.00	41	\$900.00
2	\$450.00	22	\$900.00	42	\$900.00
3	\$450.00	23	\$900.00	43	\$900.00
4	\$450.00	24	\$900.00	44	\$900.00
5	\$450.00	25	\$900.00	45	\$900.00
6	\$450.00	26	\$900.00	46	\$900.00
7	\$450.00	27	\$900.00	47	\$900.00
8	\$450.00	28	\$900.00	48	\$900.00
9	\$450.00	29	\$900.00	49	\$900.00
10	\$450.00	30	\$900.00	50	\$900.00
11	\$450.00	31	\$900.00	51	\$900.00
12	\$450.00	32	\$900.00	52	\$900.00
13	\$450.00	33	\$900.00	53	\$900.00
14	\$450.00	34	\$900.00	54	\$900.00
15	\$450.00	35	\$900.00	55	\$900.00
16	\$450.00	36	\$900.00	56	\$900.00
17	\$450.00	37	\$900.00	57	\$900.00
18	\$450.00	38	\$900.00	58	\$900.00
19	\$900.00	39	\$900.00	59	\$900.00
20	\$900.00	40	\$900.00	60	\$900.00



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IN RE: **Jesse Warren Frost**  
*Debtor*

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**Taylor Mae Frost**  
*Joint Debtor*

CHAPTER **13**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on February 13, 2015, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

**/s/ W. Matt Watson**

W. Matt Watson  
Bar ID:24028878  
Watson Law Firm, P.C.  
1123 E. Rio Grande  
El Paso, Texas 79902  
(915) 562-4357

108 Solutions  
Cielo Vista Mall  
8401 Gateway Blvd West  
El Paso, TX 79925

Enhanced Recovery Corp  
xxxx1473  
Attention: Client Services  
8014 Bayberry Rd  
Jacksonville, FL 32256

Jesse Warren Frost  
13285A Wendover St  
El Paso, TX 79908

Columbus Bank & Trust  
xxxxxxxxxx0010  
Attn: Bankruptcy Dept  
PO Box 105555  
Atlanta, GA 30348

Fed Loan Serv  
xxxxxxxxxxxx0002  
Po Box 60610  
Harrisburg, PA 17106

M.a.r.s.inc  
xxx3302  
5810 E Skelly Dr Ste 200  
Tulsa, OK 74135

Consumer Adjustment  
xxxx4970  
800 Prime Place  
Hauppauge, NY 11788

Freedom Acpt  
xxxxxxxxxxxx0004  
Customer Financial  
Norfolk, VA 23518

Mabt - Genesis Retail  
xxxxxxxxxxxx0867  
15220 Nw Greenbrier Pkwy  
Beaverton, OR 97006

Credit First/CFNA  
xxxxx7860  
BK13 Credit Operations  
PO Box 818011  
Cleveland, OH 44181

Gamedical  
xxxxx0840  
Po Box 5960  
Athens, GA 30604

Military Star  
xxxxxxxxxxxx3371  
3911 S Walton Walker Blv  
Dallas, TX 75236

**UNITED STATES BANKRUPTCY COURT  
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**Taylor Mae Frost**  
*Joint Debtor*

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**CERTIFICATE OF SERVICE**  
(Continuation Sheet #1)

Navy Federal Cr Union  
xxxxxxxxxxxx1462  
Po Box 3700  
Merrifield, VA 22119

Stuart C. Cox, Trustee  
1760 North Lee Trevino  
El Paso, TX 79936

Western District of Texas Bankr Court  
511 E. San Antonio Ave., 4th Floor  
El Paso, TX 79901

Navy Federal Cr Union  
xxxxxxxxxxxx9144  
Po Box 3700  
Merrifield, VA 22119

The Outsource Group  
xxxx1499  
3 Cityplace Dr  
Saint Louis, MO 63141

Santander Consumer Usa  
xxxxxxxxxxxx1000  
Po Box 961245  
Ft Worth, TX 76161

TitleMax  
7000 Gateway East Blvd  
El Paso, TX 79915

Security Nat Auto Acce  
xx7806  
6951 Sintas Blvd  
Mason, OH 45040

Usa Discounters Credit  
xxxxxxx6870  
PO Box 8008  
Attn: Bankruptcy Department  
Virginia Beach, VA 23450

Southwest Credit Syste  
xxxx2808  
4120 International Parkway Suite 1100  
Carrollton, TX 75007

Weisfield Jewelers/Sterling Jewelers Inc  
xxxxxx3560  
Attn: Bankruptcy  
PO Box 1799  
Akron, OH 44309

STUART C. COX  
Standing Chapter 13 Trustee,  
1760 North Lee Trevino Dr.  
El Paso, TX 79936

Wells Fargo Card Ser  
xxxxxxxxxxxx0518  
1 Home Campus  
3rd Floor  
Des Moines, IA 50328

**UNITED STATES BANKRUPTCY COURT  
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Taylor Mae Frost**

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**Certificate of Service**

I hereby certify that as of the date of filing the attached document, I have mailed/delivered a true and correct copy thereof to each party listed herein as well as all parties listed as receiving electronic mail notices as well as the Chapter 13 Trustee and U.S. Trustee .

Date: 2/13/2015

/s/ W. Matt Watson

**W. Matt Watson**

Attorney for the Debtor(s)

108 Solutions  
Cielo Vista Mall  
8401 Gateway Blvd West  
El Paso, TX 79925

Fed Loan Serv  
xxxxxxxxxxxx0002  
Po Box 60610  
Harrisburg, PA 17106

Mabt - Genesis Retail  
xxxxxxxxxxxx0867  
15220 Nw Greenbrier Pkwy  
Beaverton, OR 97006

Aarons Sales & Lease Ownership  
6211 Montana Ave  
El Paso, TX 79903

Freedom Acpt  
xxxxxxxxxxxx0004  
Customer Financial  
Norfolk, VA 23518

Military Star  
xxxxxxxxxxxx3371  
3911 S Walton Walker Blv  
Dallas, TX 75236

Columbus Bank & Trust  
xxxxxxxxxx0010  
Attn: Bankruptcy Dept  
PO Box 105555  
Atlanta, GA 30348

Gamedical  
xxxxx0840  
Po Box 5960  
Athens, GA 30604

Navy Federal Cr Union  
xxxxxxxxxxxx1462  
Po Box 3700  
Merrifield, VA 22119

Consumer Adjustment  
xxxx4970  
800 Prime Place  
Hauppauge, NY 11788

Jason Beach  
533 Goat Rock Rd  
Fortson, GA 31808

Navy Federal Cr Union  
xxxxxxxxxxxx9144  
Po Box 3700  
Merrifield, VA 22119

Credit First/CFNA  
xxxxx7860  
BK13 Credit Operations  
PO Box 818011  
Cleveland, OH 44181

Jesse Warren Frost  
13285A Wendover St  
El Paso, TX 79908

Santander Consumer Usa  
xxxxxxxxxxxx1000  
Po Box 961245  
Ft Worth, TX 76161

Enhanced Recovery Corp  
xxxx1473  
Attention: Client Services  
8014 Bayberry Rd  
Jacksonville, FL 32256

M.a.r.s.inc  
xxx3302  
5810 E Skelly Dr Ste 200  
Tulsa, OK 74135

Security Nat Auto Acce  
xx7806  
6951 Sintas Blvd  
Mason, OH 45040

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Taylor Mae Frost**

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**Certificate of Service**

(Continuation Sheet #1)

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Southwest Credit Syste  
xxxx2808  
4120 International Parkway Suite 1100  
Carrollton, TX 75007

Western District of Texas Bankr Court  
511 E. San Antonio Ave., 4th Floor  
El Paso, TX 79901

Stuart C. Cox, Trustee  
1760 North Lee Trevino  
El Paso, TX 79936

The Outsource Group  
xxxx1499  
3 Cityplace Dr  
Saint Louis, MO 63141

TitleMax  
7000 Gateway East Blvd  
El Paso, TX 79915

Usa Discounters Credit  
xxxxxxx6870  
PO Box 8008  
Attn: Bankruptcy Department  
Virginia Beach, VA 23450

Weisfield Jewelers/Sterling Jewelers Inc  
xxxxxx3560  
Attn: Bankruptcy  
PO Box 1799  
Akron, OH 44309

Wells Fargo Card Ser  
xxxxxxxxxxxx0518  
1 Home Campus  
3rd Floor  
Des Moines, IA 50328